GENERAL PROVISIONS AS TO PETITIONS

Article 19 of the General Statutes deal with petitions for elections and referenda.

- § 163-218. Registration of notice of circulation of petition. From and after July 1, 1957, notice of circulation of a petition calling for any election or referendum shall be registered with the county board of elections with which the petition is to be filed, and the date of registration of the notice shall be the date of issuance and commencement of circulation of the petition. (1957, c. 1239, s. 1; 1967, c. 775, s. 1.)
- § 163-219. Petition void after one year from registration. Petitions calling for elections and referenda shall be and become void and of no further effect one year after the date the notice of circulation is registered with the county board of elections with which it is required to be filed; and notwithstanding any public, special, local, or private act to the contrary, no election or referendum shall thereafter be called or held pursuant to or based upon any such void petition. (1957, c. 1239, s. 2; 1967, c. 775, s. 1.)

§ 163-221. Persons may not sign name of another to petition. Click here to read this statute.

A county board has a specific statutory duty to review, examine, and certify the sufficiency and validity of petitions according to G.S. 163-33(5). Where an election worker has a reasonable suspicion based upon the observation of a signature or based upon reliable information provided by a third party she/he should make further inquiry of the signature. The most common instance of circumstances that demands further investigation is where signatures, in the same handwriting, of family members following one another on a petition. Another common reason to make further inquiry is receiving a communication from a voter disputing the fact that he or she has signed the petition.

Currently, there is no law that requires names not only to be signed, but also printed. Petitions however, can have both signatures as well as the same name printed. A signature does not have to be written in cursive; it can be printed. The signatures do not have to be exactly as they are on voter registration records as long as the elections board can determine who the person is and if they are registered.

A voter can withdraw his signature from a petition up until the time it is certified. The North Carolina Supreme Court in <u>Idol v. Hanes</u>, 219 N.C. 723 (1941) stated the voter should be allowed to have his second thoughts cause him to withdraw his signature, as long it comes before the certification of the petition. Since the original signature is not notarized, a withdrawal of a signature should not require notarization.

A petition filed with a county board or the State Board becomes "public record" and the public has a right to review it or obtain copies of it.

A challenge to the validity of signatures on a petition or the tabulation of the number of signatures can be made either before or after certification. The procedure as to challenging should follow the election protest procedure with a right to appeal to the State Board from a county board ruling. The North Carolina Supreme Court in States Rights Democratic Party v. Board of Elections, 229 NC 179 (1948), held that due process requires that both parties to a challenge should have ample opportunity to present their cases before a board of elections, and that such a challenge requires a fact finding hearing on the merits of the challenge.